IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4726 OF 1995

1. Fakira Bhimaji Sonawane. Petitioner.
Vs
Madhukar Damu Sarud & Ors. .. Respondents
Mr Kishor Patil i/b Mr Pramod N.Joshi, for the petitioner.

CORAM : D.B.BHOSALE,J.

DATE : FEBRUARY 16, 2005.

P.C.

1. Heard Mr Patil, learned counsel for the petitioner.

2. This petition is directed against the orders passed by the trial Court below Exhibits 54 and 58-applications. Exhibit-54-application was filed for setting aside the exparte decree, whereas Exhibit-58 - application was filed for condonation of delay in filing Exhibit-54-application. In this petition, a notice was issued on 5.10.1995 and the ad-interim relief in terms of prayer clause (b) was granted. It appears that the petitioner did not take steps to serve the respondents. The conditional order was passed on 19.10.2000. Since the petitioner did not take steps to serve respondent nos 1 to 4, 6 and 9, the writ petition stood dismissed against those

respondents by Registrar's order dated 19.10.2000. Respondent nos 1 to 3 are the original plaintiffs. The petitioner has not taken any steps whatsoever either to serve the contesting respondents after issuance of notice or for restoration of the writ petition which stood dismissed on 19.10.2000 against respondent nos 1 to 4, 6 and 9 till this date. In view of this the writ petition stands dismissed for nonprosecution. It is open for the petitioner to take appropriate steps in the matter, if so advised.

(D.B.BHOSALE, J.)

rrt/db-05/b-16205/wp4726-95